

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

THE PROCTER & GAMBLE
COMPANY,

Civil File No. 1:08-cv-565

Plaintiff,

NOTICE OF APPEAL

v.

RNA CORPORATION,

Defendant.

Notice is hereby given that plaintiff The Procter & Gamble Company hereby appeals to the United States Court of Appeals for the Federal Circuit from the Order in this case dated December 19, 2008, identified as "Entry and Order Granting RNA Corporation's Motion to Dismiss (Doc. #25) and Terminating This Case," entered in Civil Action No. 08-565.

DINSMORE & SHOHL, LLP

Dated: January 20, 2009.

By: /s/ Mark A. Vander Laan

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been duly served upon Robert A. McMahon, Esq. at bcmahon@emh-law.com and Frederic A. Mendelsohn, Esq. at fmendelsohn@burkelaw.com via the Court's CM/ECF electronic filing system this 20th day of January, 2009

/s/ Mark A. Vander Laan